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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/031,091

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RCA 89650

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT

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2421

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |   |                                       |  |
|------------------------------|---|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/031,091    | <b>Applicant(s)</b><br>JOHNSON ET AL. |  |
|                              | <b>Examiner</b><br>SUMAIYA A. CHOWDHURY | <b>Art Unit</b><br>2421               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/15/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawing is objected to because Figure 1 lacks proper legends (or textural labels) for each of functional blocks or references numbers. Suitable legends (or textural labels pr contents) for each of the functional blocks and/or the corresponding references numbers in the drawings are required by the examiner (see MPEP 608.02-IX).
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Arguments***

3. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

(a) Applicant argues the prior art does not disclose the newly amended subject matter.

The Examiner has brought in Shintani (6137546) to disclose the claim limitations.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 9-11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Shintani (6137546).

As for claim 1, Shintani teaches in a video processing apparatus having at least two video inputs, each video input able to receive a video signal originating from a respective one of a plurality of external input sources and coupled to a display device, a method of performing a channel search comprising:

selecting by a user a video input as a currently selected video input from one of the at least two video inputs (NTSC and DTV), wherein said at least two video inputs are receiving different video signals from different external sources (auto-programming initiated by user; col. 3, line 65-col. 4, line 20);

determining by the video processing apparatus if said video signal received on said currently selected video input is at least one of a certain type of video signal and said video signal originates from a certain type of video source (Television receiver analyzes signal to determine type of signal and source of signal; col. 4, lines 3-20);

detecting available channels from various possible channels received from the video source connected to only the currently selected video input when said received video signal is at least one of said certain type of video signal and originates from said certain type of video source (col. 4, lines 3-20, lines 42-56); and

updating a channel list of channels available for the currently selected video input (col. 4, lines 3-20, lines 42-56).

As for claims 2 and 10, Shintani teaches detecting available channels comprises detecting only digital channels (col. 4, lines 25-30, lines 57-60).

As for claims 3 and 11, Shintani teaches after determining a currently selected video input:

means for utilizing information generated from a previous full channel search regarding whether the selected video input is coupled to a cable video signal source or an antenna video signal source (col. 5, lines 17-28).

As for claims 4 and 12, Shintani teaches after determining a currently selected video input:

means for utilizing information entered by the user regarding whether the selected video input or television signal is coupled to a cable video signal source or an antenna video signal source (col. 4, lines 1-20).

Claim 9 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 9 additionally calls for the following:

means (tuner 34) for receiving a first plurality of channels of television signals from a first television signal input of the at least two video inputs (col. 4, lines 1-20, lines 42-56);

means (tuner 14) for receiving a second plurality of channels of television signals from a second television signal input of the at least two video inputs (col. 4, lines 57-60);

means (display 46) for displaying video data associated with one of the plurality of channels of television signals from either the first and second television signal inputs (col. 3, lines 52-56);

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani in view of Wugofski (6003041).

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. Claim 5 additionally calls for the following which Shintani fails to teach:

Means for selecting one RF video input of the at least two RF video inputs as a television signal source for processing.

In an analogous art, Wugofski discloses:

Means for selecting one RF video input of the at least two RF video inputs (VHF/UHF antenna & modem which processes RF TV signals) as a television signal source for processing (col. 3, lines 1-20).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Shintani's invention to include the abovementioned limitation, as taught by Wugofski, for the advantage of providing multiple options for the user to select from.

As for claim 6, Shintani teaches detecting available channels comprises detecting only digital channels (col. 4, lines 25-30, lines 57-60).

As for claim 7, Shintani teaches after determining a currently selected video input:

means for utilizing information generated from a previous full channel search regarding whether the selected video input is coupled to a cable video signal source or an antenna video signal source (col. 5, lines 17-28).

As for claim 8, Shintani teaches after determining a currently selected video input:

means for utilizing information entered by the user regarding whether the selected video input or television signal is coupled to a cable video signal source or an antenna video signal source (col. 4, lines 1-20).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2421

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/  
Examiner, Art Unit 2421